





# STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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## ANALYSIS

The public policy of the APRA states that “(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” *See Indiana Code § 5-14-3-1*. The Clerk of Circuit and Superior Courts is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the Clerk’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

The Clerk’s denial of access appears to be a mailing error or clerical error which is often the case with inmate mail. This particular request did not reach the office according to the Chronological Case Summary and the Complainant has now been provided with documents brought to the Clerk’s attention via the formal complaint.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Clerk Lisa Borgmann Circuit & Superior Courts Clerk has not violated the Access to Public Records Act.

Luke H. Britt

A handwritten signature in black ink, appearing to read "L. Britt", written in a cursive style.

Public Access Counselor

Cc: Ms. Lisa Borgmann, Clerk